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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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PERLA GABRIELA NICIO LOPEZ,
Plaintiff,
v.
JEFFERSON B. SESSIONS, et al.,
Defendants.

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Case No.[18-cv-05397-JSC](#)

**ORDER TO SHOW CAUSE
IMMIGRATION HABEAS CASE**

Re: Dkt. No. 1

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Petitioner, a detainee in immigration custody, filed a habeas corpus petition pursuant to 28 U.S.C. § 2241. Petitioner has paid the \$5.00 filing fee. Her petition sets forth three claims challenging Petitioner's detention: (1) violation of her statutory right to counsel in deportation proceedings pursuant to 8 U.S.C. § 1229a(b)(4)(A); (2) violation of her Fifth Amendment due process rights, and (3) violation of Section 706(2) of the Administrative Procedure Act. (Dkt. No. 1 at 10-20.)

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These claims, when liberally construed, are cognizable and potentially meritorious. Good cause appearing, Respondent is hereby ordered to show cause why the petition should not be granted.

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In order to expedite the resolution of this case, it is further ordered as follows:

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1. The Clerk shall serve Respondent and Respondent's attorney, the Attorney General of the United States, with a copy of this order and the petition with all attachments.

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2. Respondent shall file with the court and serve on petitioner, within 20 days of service of the petition and this order, an answer showing cause why a writ of habeas corpus should not be granted based on the claims found cognizable herein. Respondent shall file with the answer and serve on Petitioner a copy of all portions of the administrative record that have been transcribed

1 previously and that are relevant to a determination of the issues presented by the petition.

2 If Petitioner wishes to respond to the answer, she shall do so by filing a traverse with the
3 court and serving it on Respondent within 7 days of the date the answer is filed.

4 3. The Clerk shall send notice Respondent regarding consenting to the jurisdiction of a
5 magistrate judge and shall serve this Order to Show Cause on the United States Attorney for the
6 Northern District of California.

7 **IT IS SO ORDERED.**

8 Dated: September 10, 2018

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12 JACQUELINE SCOTT CORLEY
13 United States Magistrate Judge
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